

**From:** [Mueller, Brian](#)  
**To:** [McClurg, Rena](#)  
**Subject:** FW: Falcon Refinery (06MC) -- Access To Property (Ingleside): Guidance  
**Date:** Thursday, May 16, 2013 9:38:00 AM

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Rena

Here is Bob's reply

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**From:** Werner, Robert  
**Sent:** Wednesday, May 15, 2013 4:52 PM  
**To:** Moran, Gloria-Small  
**Cc:** Mueller, Brian  
**Subject:** Falcon Refinery (06MC) -- Access To Property (Ingleside): Guidance  
Gloria,

Comments? Please advise Brian if my suggested below answers are OK with you.

1. Will we be added as additional insured when EA Engineering, Science, and Technology, Inc (EA) comes onto the property (Ingleside)?

Answer: Yes.

- You should direct EPA's contractor to add LTRI as an additional insured party to the contractor insurance policy.
- You should add a sentence to the access agreement that identifies EPA will insure EPA's contractor at the Site will add LTRI as an additional insured party to the contractor's insurance policy.

2. Will we have notice of when the EPA or EA expect to be present and how long they would need to be at Ingleside?

Answer: Yes.

- You should determine a reasonable period necessary to complete the RI/FS (for example three years) and then add an additional six months to the three year period.
- You should direct the EPA contractor to complete the RI/FS NLT three years from the date LTRI signs the agreement.
- You should add a sentence to the access agreement that identifies the access period is limited to three years and six months from the date LTRI signs the agreement.

3. Will the Consent for Access to Property have language to assure us that the wells will be properly closed, equipment removed, and the property returned to the same condition, except "normal wear and tear"?

Answer: Yes.

- You can add a sentence to the access agreement that identifies any/all wells constructed by EPA's contractor will be properly closed, equipment removed, and the property returned to the same condition, except "normal wear and tear."
- Be sure your added narrative defines the term "properly closed" as it applies to any/all wells constructed by EPA's contractor.

4. Will this Consent for Access to Property include some limit on its duration, perhaps coupled with a practical process to extend the term if needed?

Answer: Yes.

- Answer is related to above question 2. You can add a sentence to the access agreement that identifies LTRI agrees to immediately extend the access period for an additional ?? months if EPA provides LRTI with



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written notification that the additional months are required in order to properly complete the RI/FS action.

5. Can this Consent for Access to Property include some process whereby the EPA and/ or EA will provide us with copies of the data resulting from the sampling on Ingleside?

Answer: Yes.

- You should direct EPA's contractor to provide EPA with two copies of validated sampling data on Ingleside (one copy for EPA and one copy for LTRI).
- You can add a sentence to the access agreement that identifies EPA will provide LTRI with a copy of the validated sampling data on Ingleside that EPA receives from its contractor.

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**From:** Mueller, Brian

**Sent:** Wednesday, May 15, 2013 1:27 PM

**To:** Moran, Gloria-Small; Werner, Robert

**Cc:** Moore, Gary

**Subject:** FW: Access To Property (Ingleside): Guidance

Gloria and Bob

I received these comments from the new owner of the Falcon Site about the draft access agreement that I sent them. I would appreciate any guidance and suggestion you can offer on answering their questions/concerns. I am in the office the remainder of this week.

Thanks

Brian W Mueller RPM

EPA R6 Superfund

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**From:** Kwame Cain [<mailto:kcain@lazarusenergy.com>]

**Sent:** Wednesday, May 15, 2013 1:24 PM

**To:** Mueller, Brian

**Cc:** Jonathan Carroll; [tbyrd@lazarusenergy.com](mailto:tbyrd@lazarusenergy.com)

**Subject:** Access To Property (Ingleside): Guidance

Mr. Mueller:

Thank you for speaking with me yesterday. We definitely intend to sign this agreement but wanted your guidance on the following:

1. Will we be added as additional insured when EA Engineering, Science, and Technology, Inc (EA) comes onto the property (Ingleside)?
2. Will we have notice of when the EPA or EA expect to be present and how long they would need to be at Ingleside?
3. Will the Consent for Access to Property have language to assure us that the wells will be properly closed, equipment removed, and the property returned to the same condition, except "normal wear and tear"?
4. Will this Consent for Access to Property include some limit on its duration, perhaps coupled with a practical process to extend the term if needed?
5. Can this Consent for Access to Property include some process whereby the EPA and/ or EA will provide us with copies of the data resulting from the sampling on Ingleside?

Looking forward to any and all feedback. Thank you in advance.

Kwame N. Cain

713-568-4733

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